

Adopted	Rejected
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## COMMITTEE REPORT

YES: 6

NO: 4

### MR. SPEAKER:

*Your Committee on Elections and Apportionment, to which was referred Senate Bill 480, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 2, between lines 18 and 19, begin a new paragraph and insert:
- 2 "SECTION 2. IC 3-7-48-1 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Except as
- 4 otherwise provided by NVRA or in this chapter, a person whose name
- 5 does not appear on the registration record may not vote **a regular**
- 6 **official ballot**, unless the ~~circuit court clerk or board of county voter~~
- 7 registration **office** provides a signed certificate of error in the office
- 8 where the permanent registration record is kept showing that the voter
- 9 is legally registered in the precinct where the voter resides.
- 10 (b) ~~A person whose name does not appear on the registration record~~
- 11 ~~may~~ **If a person who is provided with a certificate of error under**
- 12 **this section is then challenged under IC 3-10-1 or IC 3-11-8, the**
- 13 **person must** cast a provisional ballot ~~as provided in IC 3-11-7.~~ **instead**
- 14 **of a regular official ballot. The person may proceed to cast the**
- 15 **provisional ballot after executing the affidavit required under**
- 16 **IC 3-10-1 or IC 3-11-8.**

SECTION 3. IC 3-7-48-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 7.5. If a voter makes an oral or written affirmation under section 5 or 7 of this chapter and is then challenged under IC 3-10-1 or IC 3-11-8 as ineligible to vote in the precinct, the voter shall be provided with a provisional ballot under IC 3-11.7 rather than a regular official ballot. The affidavit executed under this chapter serves as a sufficient affidavit for the voter to receive a provisional ballot under IC 3-11.7."**

Page 2, line 32, delete ":".

Page 2, line 33, strike "(1)".

Page 2, line 33, after "vote" insert "**a regular official ballot**".

Page 2, line 34, delete ";".

Page 2, line 34, strike "or" and insert "**in accordance with IC 3-7-48, showing that the voter is registered in the precinct where the voter resides and offers to vote, produces an affidavit executed under IC 3-10-11 if the voter executed an affidavit under that chapter, or makes an oral or written affirmation under IC 3-10-12. However, if the voter is then challenged under section 10.5 of this chapter, the voter must**".

Page 2, line 35, strike "(2)".

Page 2, line 36, delete "15482." and insert "**15482 instead of a regular official ballot if the voter wishes to cast a ballot.**".

Page 3, line 1, strike "is entitled to" and insert "**must**".

Page 3, line 1, strike "under".

Page 3, line 2, strike "IC 3-11.7" and insert "**instead of a regular official ballot if the voter wishes to cast a ballot. The voter may proceed to cast a provisional ballot**".

Page 3, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 6. IC 3-10-1-24.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 24.5. (a) This section does not apply to a precinct in a county with a computerized registration system whose inspector was:

(1) furnished with a list certified under IC 3-7-29; and

(2) not furnished with a certified photocopy of the signature on the affidavit of registration of each voter of the precinct for the comparison of signatures under this section.

(b) In case of doubt concerning a voter's identity, the precinct

election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under section 7 of this chapter. If the board determines that the voter's signature is authentic, the voter may then vote **a regular official ballot, unless the voter is challenged by a poll clerk under this section or was challenged under this chapter before signing the poll list.**

(c) If either poll clerk doubts the voter's identity following the comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by IC 3-11-8. **If the poll clerk executes a challenger's affidavit under this section, the voter must be provided with a provisional ballot instead of a regular official ballot if the voter wishes to cast a vote. The voter may proceed to cast a provisional ballot after executing a challenged voter's affidavit under section 10.5 of this chapter.**

(d) If the poll clerk does not execute a challenger's affidavit under IC 3-11-8-21, ~~or if the voter executes a challenged voter's affidavit under IC 3-11-8-22,~~ the voter may then vote **a regular official ballot unless the voter was challenged under this chapter before signing the poll list.**

~~(d)~~ (e) This section expires January 1, 2006.

SECTION 7. IC 3-10-1-24.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 24.6. (a) This section applies after December 31, 2005.

(b) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under section 7 of this chapter. If the board determines that the voter's signature is authentic, the voter may then vote **a regular official ballot unless the voter is challenged by a poll clerk under this section or was challenged under this chapter before signing the poll list.**

(c) If either poll clerk doubts the voter's identity following the comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by IC 3-11-8. **If the poll clerk executes a challenger's affidavit under this section, the voter must be provided with a provisional ballot instead of a regular official ballot if the voter wishes to cast a vote. The voter may proceed to cast a**

1 **provisional ballot after executing a challenged voter's affidavit**  
 2 **under section 10.5 of this chapter.**

3 **(d) If the poll clerk does not execute a challenger's affidavit under**  
 4 **IC 3-11-8-21, or if the voter executes a challenged voter's affidavit**  
 5 **under IC 3-11-8-22, the voter may then vote a regular official ballot**  
 6 **unless the voter was challenged under this chapter before signing**  
 7 **the poll list.**

8 SECTION 8. IC 3-10-10-9 IS ADDED TO THE INDIANA CODE  
 9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2005]: **Sec. 9. If a voter executes an affidavit under this**  
 11 **chapter and is then challenged under IC 3-11-8 as ineligible to vote**  
 12 **in the precinct, the voter shall be provided with a provisional ballot**  
 13 **under IC 3-11.7 rather than a regular official ballot. The affidavit**  
 14 **executed under this chapter serves as a sufficient affidavit for the**  
 15 **voter to receive a provisional ballot under IC 3-11.7.**

16 SECTION 9. IC 3-10-11-4.5 IS ADDED TO THE INDIANA  
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2005]: **Sec. 4.5. If a voter executes an**  
 19 **affidavit under this chapter and is then challenged under IC 3-10-1**  
 20 **or IC 3-11-8 as ineligible to vote in the precinct, the voter shall be**  
 21 **provided with a provisional ballot under IC 3-11.7 rather than a**  
 22 **regular official ballot. The affidavit executed under this chapter**  
 23 **serves as a sufficient affidavit for the voter to receive a provisional**  
 24 **ballot under IC 3-11.7.**

25 SECTION 10. IC 3-10-12-5 IS ADDED TO THE INDIANA CODE  
 26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2005]: **Sec. 5. If a voter makes an oral or written**  
 28 **affirmation under this chapter and is then challenged under**  
 29 **IC 3-10-1 or IC 3-11-8 as ineligible to vote in the precinct, the voter**  
 30 **shall be provided with a provisional ballot under IC 3-11.7 rather**  
 31 **than a regular official ballot. The oral or written affirmation made**  
 32 **under this chapter serves as a sufficient affidavit for the voter to**  
 33 **receive a provisional ballot under IC 3-11.7.**

34 SECTION 11. IC 3-11-1.5-18 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 18. (a) If the**  
 36 **co-directors or designated employee election division determines that**  
 37 **the proposed precinct establishment order would comply with this**  
 38 **chapter, the co-directors shall advise the county executive that the**

co-directors will recommend that the commission approve the proposed order based on the order's compliance election division shall issue an order authorizing the county executive to establish the proposed precincts.

(b) The order issued by the election division under subsection (a) must state that the election division finds that the proposed precincts would comply with the standards set forth in this chapter. The election division shall promptly provide a copy of the order to the county executive.

(c) The county executive must give notice of the proposed order to the voters of the county by one (1) publication under IC 5-3-1-4. The notice must state the following:

(1) The name of each existing precinct whose boundaries would be changed by the adoption of the proposed order by the county.

(2) That any registered voter of the county may object to the proposed order by filing a sworn statement with the election division setting forth the voter's specific objections to the proposed order and requesting that a hearing be conducted by the commission under IC 4-21.5.

(3) The mailing address of the election division.

(4) The deadline for filing the objection with the election division under this section.

(d) An objection to a proposed precinct establishment order must be filed not later than noon ten (10) days after the publication of the notice by the county executive.

(e) If an objection is not filed with the election division by the date and time specified under subsection (d), the election division shall promptly notify the county executive. The county executive may proceed immediately to adopt the proposed order.

(f) If an objection is filed with the election division by the date and time specified under subsection (d), the election division shall promptly notify the county executive. The county executive may not adopt the proposed order until the commission conducts a hearing under IC 4-21.5 and determines whether the proposed precincts would comply with the standards set forth in this chapter.

SECTION 12. IC 3-11-1.5-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. When a county

executive receives a proposed order approved by:

(1) the **election division**; or

(2) **the** commission under **section 18(f)** of this chapter, the county executive may issue the order.

SECTION 13. IC 3-11-1.5-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. Not later than fourteen (14) days following notice of final approval of a precinct establishment order **by the commission** under **section 18(f)** of this chapter, the county executive shall give notice of the approval by one (1) publication under IC 5-3-1-4.

SECTION 14. IC 3-11-1.5-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. **(a) This section applies to a proposed precinct establishment order that requires that a hearing by the commission be conducted under this chapter.**

**(b)** After the ~~co-directors have~~ **election division has** reviewed the proposed precinct establishment order, and the order has been revised, if necessary, to comply with this chapter, the commission shall:

(1) approve a proposed precinct establishment order under this section ~~no~~ **not** later than the following January 31; and

(2) order that the precinct establishment order takes effect January 31 of the year in which the municipal election will be held."

Page 3, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 15. IC 3-11-8-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) Only the following persons are permitted in the polls during an election:

(1) Members of a precinct election board.

(2) Poll clerks and assistant poll clerks.

(3) Election sheriffs.

(4) Deputy election commissioners.

(5) Pollbook holders.

(6) Watchers.

(7) Voters for the purposes of voting.

(8) Minor children accompanying voters as provided under IC 3-11-11-8 and IC 3-11-12-29.

(9) An assistant to a precinct election officer appointed under IC 3-6-6-39.

(10) An individual authorized to assist a voter in accordance with

1 IC 3-11-9.

2 (11) A member of a county election board, acting on behalf of the  
3 board.

4 (12) A mechanic authorized to act on behalf of a county election  
5 board to repair a voting system (if the mechanic bears credentials  
6 signed by each member of the board).

7 (13) Either of the following who have been issued credentials  
8 signed by the members of the county election board:

9 (A) The county chairman of a political party.

10 (B) The county vice chairman of a political party.

11 **(14) The secretary of state, as chief election officer of the state,**  
12 **unless the individual serving as secretary of state is a**  
13 **candidate for nomination or election to an office at the**  
14 **election.**

15 (b) This subsection applies to a simulated election for minors  
16 conducted with the authorization of the county election board. An  
17 individual participating in the simulated election may be in the polls for  
18 the purpose of voting. A person supervising the simulated election may  
19 be in the polls to perform the supervision.

20 (c) The inspector of a precinct has authority over all simulated  
21 election activities conducted under subsection (b) and shall ensure that  
22 the simulated election activities do not interfere with the election  
23 conducted in that polling place."

24 Page 4, line 3, strike "is entitled to" and insert "**must**".

25 Page 4, line 3, strike "under IC 3-11.7" and insert "**instead of a**  
26 **regular official ballot if the voter wishes to cast a ballot. The voter**  
27 **may proceed to cast a provisional ballot**".

28 Page 4, line 30, after "vote" insert "**a regular official ballot**".

29 Page 4, line 40, strike "under".

30 Page 4, line 41, strike "IC 3-11.7" and insert "**instead of a regular**  
31 **official ballot if the voter wishes to cast a ballot. The voter may**  
32 **proceed to cast a provisional ballot**".

33 Page 4, delete line 42, begin a new paragraph and insert:

34 "SECTION 19. IC 3-11-8-25, AS AMENDED BY SEA 483-2005,  
35 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2005]: Sec. 25. (a) Except as provided in subsection (e), a  
37 voter who desires to vote an official ballot at an election shall provide  
38 proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a member of the precinct election board shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.

(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

(1) The voter's name.

(2) The voter's current residence address.

(g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(h) The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 or IC 3-11-3-18 to determine if the county election board has indicated that the voter is required to provide



1 additional personal identification under 42 U.S.C. 15483 and  
 2 IC 3-7-33-4.5 before voting in person. If the list (or a certification  
 3 concerning absentee voters under IC 3-11-10-12) indicates that the  
 4 voter is required to present this identification before voting in person,  
 5 the poll clerk shall advise the voter that the voter must present, in  
 6 addition to the proof of identification required under subsection (b), a  
 7 piece of identification described in subsection (i) to the poll clerk.

8 (i) As required by 42 U.S.C. 15483, in addition to the proof of  
 9 identification required under subsection (b), a voter described by  
 10 IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before  
 11 appearing at the polls on election day must present one (1) of the  
 12 following documents to the poll clerk:

13 (1) a current and valid photo identification; or

14 (2) a current utility bill, bank statement, government check,  
 15 paycheck, or government document that shows the name and  
 16 address of the voter.

17 (j) If a voter presents a document under subsection (i), the poll clerk  
 18 shall add a notation to the list indicating the type of document presented  
 19 by the voter. The election division shall prescribe a standardized coding  
 20 system to classify documents presented under this subsection for entry  
 21 into the county voter registration system.

22 (k) If a voter required to present documentation under subsection (i)  
 23 is unable to present the documentation to the poll clerk while present  
 24 in the polls, the poll clerk shall notify the precinct election board. The  
 25 board shall provide a provisional ballot to the voter under IC 3-11.7-2.

26 (l) The precinct election board shall advise the voter that the voter  
 27 may file a copy of the documentation with the county voter registration  
 28 office to permit the provisional ballot to be counted under IC 3-11.7.

29 (m) This subsection does not apply to a precinct in a county with a  
 30 computerized registration system whose inspector was:

31 (1) furnished with a list certified under IC 3-7-29; and

32 (2) not furnished with a certified photocopy of the signature on the  
 33 affidavit of registration of each voter of the precinct for the  
 34 comparison of signatures under this section.

35 In case of doubt concerning a voter's identity, the precinct election  
 36 board shall compare the voter's signature with the signature on the  
 37 affidavit of registration or any certified copy of the signature provided  
 38 under IC 3-7-29. If the board determines that the voter's signature is

1 authentic, the voter may then vote **a regular official ballot unless the**  
 2 **voter is challenged by a poll clerk under this section or has been**  
 3 **previously challenged under this chapter.** If either poll clerk doubts  
 4 the voter's identity following comparison of the signatures, the poll  
 5 clerk shall challenge the voter in the manner prescribed by section 21  
 6 of this chapter.

7 **(n) If, in a precinct governed by subsection (m), the poll clerk**  
 8 **executes a challenger's affidavit, the voter must be provided with**  
 9 **a provisional ballot instead of a regular official ballot if the voter**  
 10 **wishes to cast a vote. The voter may proceed to cast a provisional**  
 11 **ballot after executing a challenged voter's affidavit under section**  
 12 **22 of this chapter.**

13 ~~(n)~~ **(o)** If, in a precinct governed by subsection (m),  
 14 ~~(1)~~ the poll clerk does not execute a challenger's affidavit, ~~or~~  
 15 ~~(2)~~ the voter executes a challenged voter's affidavit under section  
 16 22 of this chapter or had executed the affidavit before signing the  
 17 poll list;

18 the voter may then vote **a regular official ballot unless the voter was**  
 19 **challenged under this chapter before signing the poll list.**

20 ~~(o)~~ **(p)** This section expires January 1, 2006.

21 SECTION 20. IC 3-11-8-25.1, AS AMENDED BY SEA 483-2005,  
 22 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2005]: Sec. 25.1. (a) This section applies after December 31,  
 24 2005.

25 (b) Except as provided in subsection (f), a voter who desires to vote  
 26 an official ballot at an election shall provide proof of identification.

27 (c) Except as provided in subsection (f), before the voter proceeds  
 28 to vote in the election, a member of the precinct election board shall ask  
 29 the voter to provide proof of identification. The voter shall produce the  
 30 proof of identification before being permitted to sign the poll list.

31 (d) If:

32 (1) the voter is unable or declines to present the proof of  
 33 identification; or

34 (2) a member of the precinct election board determines that the  
 35 proof of identification provided by the voter does not qualify as  
 36 proof of identification under IC 3-5-2-40.5;

37 a member of the precinct election board shall challenge the voter as  
 38 prescribed by this chapter.

- 1 (e) If the voter executes a challenged voter's affidavit under section  
 2 22 of this chapter, the voter may:
- 3 (1) sign the poll list; and
  - 4 (2) receive a provisional ballot.
- 5 (f) A voter who votes in person at a precinct polling place that is  
 6 located at a state licensed care facility where the voter resides is not  
 7 required to provide proof of identification before voting in an election.
- 8 (g) After a voter has passed the challengers or has been sworn in, the  
 9 voter shall be instructed by a member of the precinct election board to  
 10 proceed to the location where the poll clerks are stationed. The voter  
 11 shall announce the voter's name to the poll clerks or assistant poll  
 12 clerks. A poll clerk, an assistant poll clerk, or a member of the precinct  
 13 election board shall require the voter to write the following on the poll  
 14 list:
- 15 (1) The voter's name.
  - 16 (2) Except as provided in subsection ~~(f)~~ (m), the voter's current  
 17 residence address.
- 18 (h) The poll clerk, an assistant poll clerk, or a member of the  
 19 precinct election board shall:
- 20 (1) ask the voter to provide or update the voter's voter  
 21 identification number;
  - 22 (2) tell the voter the number the voter may use as a voter  
 23 identification number; and
  - 24 (3) explain to the voter that the voter is not required to provide or  
 25 update a voter identification number at the polls.
- 26 (i) The poll clerk, an assistant poll clerk, or a member of the precinct  
 27 election board shall ask the voter to provide proof of identification.
- 28 (j) In case of doubt concerning a voter's identity, the precinct  
 29 election board shall compare the voter's signature with the signature on  
 30 the affidavit of registration or any certified copy of the signature  
 31 provided under IC 3-7-29. If the board determines that the voter's  
 32 signature is authentic, the voter may then vote **a regular official ballot**  
 33 **unless the voter is challenged by a poll clerk under this section or**  
 34 **was challenged under this chapter before signing the poll list.** If  
 35 either poll clerk doubts the voter's identity following comparison of the  
 36 signatures, the poll clerk shall challenge the voter in the manner  
 37 prescribed by section 21 of this chapter.
- 38 (k) **If, in a precinct governed by subsection (h), the poll clerk**

executes a challenger's affidavit, then the voter must be provided with a provisional ballot instead of a regular official ballot if the voter wishes to cast a vote. The voter may proceed to cast a provisional ballot after executing a challenged voter's affidavit under section 22 of this chapter.

~~(k)~~ (l) If, in a precinct governed by subsection (h):

~~(1)~~ the poll clerk does not execute a challenger's affidavit ~~or~~

~~(2)~~ the voter executes a challenged voter's affidavit under section 22 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote a regular official ballot unless the voter was challenged under this chapter before signing the poll list.

~~(n)~~ (m) Each line on a poll list sheet provided to take a voter's current address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing the voter's current residence address on the poll list."

Delete page 5.

Page 6, delete lines 1 through 28.

Page 6, line 33, strike "is entitled to" and insert "**must**".

Page 6, line 33, strike "under".

Page 6, line 34, strike "IC 3-11.7" and insert "**instead of a regular official ballot if the voter wishes to cast a ballot. The voter may then proceed to cast a provisional ballot**".

Page 10, line 39, strike "may" and insert "**must**".

Page 10, line 40, after "ballot" insert "**instead of a regular official ballot**".

Page 10, line 40, delete ":" and insert "**wishes to cast a ballot. The individual may then proceed to cast a provisional ballot if the individual:**".

Page 11, line 5, strike "may" and insert "**must**".

Page 11, line 5, delete "." and insert "**instead of a regular official ballot if the individual wishes to cast a ballot**".

Page 11, delete lines 6 through 40, begin a new paragraph and insert:

"SECTION 29. IC 3-11.7-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) If the counters cannot agree whether to count a ballot following a protest under section 9 of this chapter, the question shall be referred to the county election

1 board for a decision.

2 **(b) If both counters agree whether or not to count a ballot**  
3 **(either before or after a protest under section 9 of this chapter), the**  
4 **recommendation of the counting team shall be referred to the**  
5 **county election board. The county election board shall make the**  
6 **board's decision whether to count or not count the ballot in**  
7 **accordance with this title."**

8 Page 14, delete lines 5 through 10, begin a new paragraph and insert:

9 **"(e) Whenever the petitioner and each cross-petitioner or**  
10 **respondent file a joint motion to dismiss a recount or contest, the**  
11 **commission shall rule on the motion to dismiss before ordering or**  
12 **continuing with a recount or contest."**

13 Renumber all SECTIONS consecutively.

(Reference is to SB 480 as printed February 8, 2005.)

**and when so amended that said bill do pass.**

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Representative Thomas